

PATENT COOPERATION TREATY

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GILSON & LIONE

From the INTERNATIONAL SEARCHING AUTHORITY

To:
BRINKS HOFER GILSON & LIONE
Attn. Le Duc, Timothy J.
P.O. Box 10087
Chicago, IL 60610
UNITED STATES OF AMERICA

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Date of mailing (day/month/year)	05/07/2005
Applicant's or agent's file reference 8627-804	PAYMENT DUE within ONE MONTH from the above date of mailing 8/5/05
International application No. PCT/US2005/010037	International filing date (day/month/year) 24/03/2005
Applicant COOK INCORPORATED	

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

1-10

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.550,00 x 1 = EUR 1.550
Fee per additional invention number of additional inventions total amount of additional fees

Or, _____ x _____ = _____

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been searched with any invention.

Name and mailing address of the International Searching Authority



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Authorized officer

Sylvie Fernandez

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This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-10

A luer fitting connector assembly comprising a locking member and a male or female luer fitting member whereby the locking member has a skeletal handle, a finlike handle, a cavity grip, or an undulating grip

2. claims: 11-13, 14-20

A luer fitting connector assembly comprising a locking member and female or male luer fitting member whereby the luer fitting member has a conical restraining surface comprising a rim and the locking member has an annular inwardly protruding plateau shaped protrusion.

The application as claimed in claims 1 to 20 refers to two different subject-matters and therefore fails to meet the requirements of Rule 13.1 PCT.

The different subject-matters referred to in the application are:

I. Claims 1-4, and 5-10: A luer fitting connector assembly comprising a locking member and a male or female luer fitting member whereby the locking member has a skeletal handle, a finlike handle, a cavity grip, or an undulating grip.

II. Claims 11-13 and 14-20: A luer fitting connector assembly comprising a locking member and female or male luer fitting member whereby the luer fitting member has a conical restraining surface comprising a rim and the locking member has an annular inwardly protruding plateau shaped protrusion.

These two subject-matters defined by the above two groups of claims are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The features common to all claims are: A luer fitting connector assembly comprising a locking member and a female or male luer fitting member. However, such a luer fitting connector is generally known so that the features common to all claims cannot be special technical features in the meaning of Rule 13.2 PCT.

The remaining features of independent claims 1, 5 on the one hand and of independent claims 11 and 14 on the other hand are different and have different purposes (enhanced handling and control of the luer fitting, preventing inadvertent separation of the locking member, respectively) and, therefore, are neither the same nor corresponding features within the meaning of Rule 13.2 PCT so that the technical relationship between the different groups is lacking.

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International application No.

PCT/US2005/010037

As such, without a technical relationship the subject-matters are not so linked as to form a single general inventive concept required by Rule 13.1 PCT.

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1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
see 'Invitation to pay additional fees'
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/147429 A1 (COWAN KEVIN P ET AL) 10 October 2002 (2002-10-10) paragraph '0118! - paragraph '0122!; figures 4,5	1,3,5,6
X	WO 03/020361 A (CLINICAL PRODUCT DEVELOPMENT LIMITED; PETERS, JOSEPH, LENNOX; WATKINS) 13 March 2003 (2003-03-13) page 7, line 1 - page 8, line 4; figures 1-7	5-7
A		2
X	GB 735 202 A (SURDENT MANUFACTURING COMPANY LIMITED) 17 August 1955 (1955-08-17) page 2, line 22 - line 33; figures 1-5	5,8
X	US 3 747 632 A (KOK A, CH ET AL) 24 July 1973 (1973-07-24) column 3, line 5 - line 60; figures 1,2	5
A		3,8
A	US 6 565 550 B1 (KLEIN DEAN A ET AL) 20 May 2003 (2003-05-20) column 3, line 60 - line 63; figures 1,2	4,5,9
A	US 5 919 169 A (GRAMS ET AL) 6 July 1999 (1999-07-06) column 2, line 66 - column 3, line 17; figure 1	1

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

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Patent Family Annex

Information on patent family members

International Application No

PCT/US2005/010037

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2002147429	A1	10-10-2002	WO 02066100 A2	29-08-2002
WO 03020361	A	13-03-2003	GB 2379253 A	05-03-2003
			EP 1432468 A2	30-06-2004
			WO 03020361 A2	13-03-2003
			JP 2005501616 T	20-01-2005
			US 2004238776 A1	02-12-2004
GB 735202	A	17-08-1955	NONE	
US 3747632	A	24-07-1973	CH 522844 A	15-05-1972
			CH 537552 A	31-05-1973
			DE 2112210 A1	04-11-1971
			FR 2084606 A5	17-12-1971
			GB 1324906 A	25-07-1973
US 6565550	B1	20-05-2003	CA 2369317 A1	16-11-2000
			EP 1183063 A1	06-03-2002
			JP 2002543894 T	24-12-2002
			WO 0067833 A1	16-11-2000
US 5919169	A	06-07-1999	NONE	

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Important information

Rule 40 PCT has been amended as of 1 April 2005. For general information on the protest procedure under the PCT please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. Although no longer obligatory, prior to examination of the protest by the Board of Appeal the EPO will subject the invitation to pay additional fees to an internal review which is free of charge. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month of the date of the invitation to pay additional fees (Rule 40.1(iii) PCT), however, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal **unless** the result of the internal review was that the protest was **entirely** justified **or** the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest, in both cases the protest fee will be refunded.